

7:30 P.M.

Absent: Council Members - None

The invocation was given by Pastor Con Edwards, Ebenezer Congregational Church.

The Pledge of Allegiance was led by Mayor Snider.

51

MAYOR'S ANNUAL HOLIDAY
CHILD SHARE PROGRAM

As a kickoff of the Mayor's Annual Holiday Child Share Program, Mayor Snider contributed a stuffed animal to Margaret Velasquez from the Community Service Center. She spoke a little about the program, informing the people where the barrels can be found and where to sign up to become a volunteer.

PROCLAMATION

CHRISTMAS CANTREE WEEK

Mayor Snider presented a proclamation for "Christmas Cantree Week" to Mr. Charlie Hauner of the Lodi Board of Realtors.

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Olson, Hinchman second, approved the following items hereinafter set forth. Further, Agenda Item E-7 - "Final Map and Subdivision Agreement for Sunwest 11, located at the southeast corner of Lower Sacramento Road and Vine Street" was removed from the agenda.

* * * * *

Claims were approved in the amount of \$3,487,998.92.

Continued December 6, 1989

MINUTES

The Minutes of October 11, 1989 (Joint Meeting with Lodi Library Board of Trustees), October 18, 1989, November 1, 1989 and November 21, 1989 (Special Meeting) were approved as written.

PURCHASE OF WATTHOUR
METERS APPROVED

RES. NO. 89-171

CC-12(d)
CC-47
CC-300

The City Council adopted Resolution No. 89-171 awarding the bid for the purchase of 576 watthour meters to the low bidder, General Electric Supply Company of Emeryville, in the amount of \$17,368.56.

Specifications were approved by the City Council on November 15, and bids were opened on November 28, 1989.

Results on the bid opening were as follows:

Bidder	Amount	Lead Time
General Electric Supply Emeryville	\$17,368.56	4-6 weeks
Westinghouse Electric Concord	\$17,380.80	8-10 weeks
Ace Supply Company Emeryville	\$17,546.04	6-8 weeks
Maydwell and Hartzell Brisbane	\$18,690.48	5 weeks

The meters will be used to meter electric energy usage at the following developments: Sunwest 9, 10, and 11; Almond Drive Apartments; and Geweke Estates. In addition, meters will be required for other smaller developments throughout the City, and for replacement of obsolete and deteriorated meters located during meter testing.

Funding for this purchase is available in the Electric Utility Department's operating fund.

PURCHASE OF HIGH-PRESSURE
SODIUM LUMINAIRES

RES. NO. 89-172

CC-12(d)
CC-47

The City Council adopted Resolution No. 89-172 awarding the bid for the purchase of 200 High Pressure Sodium luminaires

CC-300

to the low bidder, Capital Wholesale Electric Company of Sacramento, in the amount of \$14,764.50.

Specifications for 120 each of the 100-watt, and 80 each of the 250-watt luminaires were approved by the City Council on November 15, 1989, and the bids were opened on November 28, 1989. Results of the bid opening are shown below:

Bidder	Amount	Lead Time
Capital Wholesale Electric Sacramento	\$14,764.50	4-6 weeks
G. E. Supply Emeryville	\$14,839.73	6-8 weeks
Graybar Electric Sacramento	\$14,943.00	4-6 weeks
Wille Electric Stockton	\$14,983.80	4 weeks
Valley Electric Stockton	\$15,098.13	4-6 weeks
Consolidated Electric Lodi	\$15,130.00	8 weeks
Westinghouse Electric Concord	\$15,433.88	4 weeks

This purchase will support the Electric Utility Department's program of replacing Mercury Vapor lights with the more efficient High-Pressure Sodium luminaires in certain areas of the City.

Some of the areas where conversions will take place this year are:

Turner Road between Stockton Street and Ham Lane, and
Lower Sacramento Road to Rutledge/Ranier/Garden Drives,
between Turner Road and Lodi Avenue

Additionally, a portion of the luminaires will be placed in inventory to support routine maintenance and replacement.

Funding for this purchase is available in the Public Works/Street Light Maintenance account.

LANE LINE PAINTING,
VARIOUS STREETS, 1989
AWARDED

RES. NO. 89-173

CC-12(a)
CC-300

The City Council adopted Resolution No. 89-173 awarding the contract for Annual Lane Line Painting, Various Streets, 1989 to Traffic Limited, Lodi, California in the amount of \$16,153.53.

This project provides painting of lane lines on arterial and collector streets on an annual basis and approximately 50 percent of lane lines on residential streets. Bids were opened on November 29, 1989 and three (3) bids were received. The cost of painting a mile of lane line has increased approximately 2% since the last time the City requested bids, which was November, 1989.

Following is a tabulation of the bids received:

<u>Bidder</u>	<u>Total Bid</u>
Traffic Limited Lodi	\$16,153.53
Central Striping Service Rancho Cordova	\$18,976.87
Safety Striping Service Fillmore	\$19,656.75

LEASE/PURCHASE AGREEMENT
FOR NEW STREET SWEEPER

CC-20
CC-47

The City Council approved and authorized the City Manager and City Clerk to execute a three year lease/purchase agreement for a 1989 FMC Three-wheel High Dump Sweeper with Western Traction of Union City, California.

In the 1989/90 budget, the lease/purchase of a three-wheel sweeper was approved at an estimated cost of \$20,000 per year over a period of five years. The new sweeper will replace the Street Division's two existing 1970 and 1976 three-wheel sweepers.

During the past month, lease/purchase quotes were received from three-wheel sweeper dealers on the West Coast. These were Ricker Machinery, Oakland, California which sells Elgin Sweepers and Western Traction Company, Union City, California which sells FMC Sweepers. Following are base costs including tax.

<u>Bidder</u>	<u>Total Bid</u>
Western Traction	\$79,581.25
Ricker Machinery	\$88,520.00

The Finance Department has determined that a three year lease would be more advantageous to the City than a five year lease based on the current interest rate. Based on a three year lease/purchase agreement with Western Traction, the total aggregate cost would be \$89,098.92 with the first and last month payments (\$2,474.97 per month) due upon delivery. Therefore, both the Finance and Public Works Departments recommended the lease/purchase of the Three-wheel High Dump Sweeper with Western Traction.

TRAFFIC RESOLUTION
AMENDMENT - "NO PARKING"
AT CERTAIN TIMES ON PACIFIC AVENUE
SOUTH OF ELM STREET - LODI HIGH SCHOOL

RES. NO. 89-174

CC-48(e)
CC-300

The City Council adopted Resolution No. 89-174 amending the Traffic Resolution to approve the installation of "no parking", 6:30 a.m. to 4:30 p.m. on school days only, on Pacific Avenue south of Elm Street.

The Public Works Department had received a request for the installation of "no parking" on the west side of Pacific Avenue south of Elm Street adjacent to the driveways of the Lodi High School parking lot.

Installation of this "no parking" zone was discussed with the Lodi Unified School District by City staff in October of 1988 to reduce congestion and accidents at the driveways. The restriction on both sides of Pacific Avenue immediately south of Elm Street will allow proper room for entering buses and allows northbound vehicles to form two lanes. At that time, the parking demand was too high to consider eliminating parking. However, since the initiation of year-round education, this recommendation is feasible. According to Lodi High School administration, the parking lot is only two-thirds full. This restriction is the same as the one further south on Pacific Avenue fronting the school.

Due to the availability of parking in the lot and in consideration of the residential uses in the area, staff recommended that the "no parking" with the time and day limitations indicated be installed.

Continued December 6, 1989

PUBLIC HEARING SET FOR
DECEMBER 20, 1989 REGARDING
NOTICE OF PUBLIC NUISANCE
AND ORDER TO ABATE ISSUED
FOR 713 SOUTH SACRAMENTO
STREET, LODI

CC-24(c)

The City Council set a public hearing for December 20, 1989, regarding Notice of Public Nuisance and Order to Abate issued on the property located at 713 South Sacramento Street, Lodi, California, and further described as Assessors Parcel No. 045-240-07.

On June 16, 1989, an inspection of the premises was conducted by fire inspector Don Hawkinson. As a result of this inspection, a Notice of Public Nuisance and Order to Abate was issued by inspector Hawkinson on June 21, 1989. This Notice was mailed to the legally listed property owner, Ms. Angelantonio DeRubis of Washington, D.C., by certified mail with a return receipt requested. This letter was returned marked "Unclaimed".

On July 27, 1989, inspector Hawkinson again inspected the property. He issued a second Notice of Public Nuisance and Order to Abate on July 28, 1989, and mailed it to Ms. DeRubis by certified mail with a return receipt requested. This was signed for by Angelantonio DeRubis on August 1, 1989.

On August 27, 1989, Fire Marshal, Steve Raddigan spoke with Ms. DeRubis by telephone and granted an extension of the compliance date for demolition of the buildings on the property until October 7, 1989, and followed up on the conversation with a letter to Ms. DeRubis stating that the extension has been granted and that if no action had been taken by her on or before October 7, 1989, that he would proceed with the abatement proceedings. He also informed her that this process would involve the City Council ordering the buildings demolished and assessing the cost of demolition work to the property.

Ms. DeRubis was notified by letter on November 16, 1989, that this item would be on the December 6, 1989, City Council agenda. She was properly notified of the public hearing date.

SET PUBLIC HEARING
FOR DECEMBER 20, 1989
REGARDING THE UPDATING
OF STORM DRAINAGE FEES

The City Council set a public hearing for December 20, 1989 to hear a report on the updated storm drain fees.

CC-56
CC-176

One year ago, the City adopted updated storm drain fees in accordance with Assembly Bill 1600. The ordinance and subsequent resolution called for an annual update of the fees. This update is being prepared and will be presented on December 20, 1989. This hearing is required under the original ordinance and resolution adopted. It is anticipated that this hearing will be very short. Following the hearing, if there are no substantial changes, a resolution will be presented for adoption.

It will be recommended that the fees go into effect on January 1, 1990. The previous storm drain fees were updated every six months in accordance with the Engineering News Record Construction Cost Index and it is anticipated that the increase this year will be comparable.

INITIATION OF C-BASIN
REORGANIZATION (ANNEXATION),
CONSISTING OF PARCELS LOCATED
AT THE SOUTHEAST CORNER OF
SOUTH BECKMAN ROAD AND
EAST VINE STREET
(APN 049-070-64 and 049-070-68)

RES. NO. 89-175

CC-8(a)
CC-300

The City Council adopted Resolution No. 89-175 initiating the annexation of two parcels totaling 9.21 acres to the City of Lodi. The parcels are located on both the south and east side of the City of Lodi's C-Basin/Park that is located at the southeast corner of South Beckman Road and East Vine Street (APN's 049-070-64 and 049-070-68).

The City of Lodi recently purchased the two parcels to permit the necessary expansion of the C-Basin/Park. The additional property will allow the City to develop the basin/park to its ultimate size in accordance with the Master Plan for this facility. Staff recommended the annexation of these properties so that all City-owned park property can be developed within the City limits.

The City, at the time of the property acquisition, certified the filing of a Negative Declaration for this project.

URBAN COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT
SUPPLEMENTAL FUNDING AGREEMENT
APPROVED

RES. NO. 89-176

Continued December 6, 1989

CC-55 The City Council adopted Resolution No. 89-176 approving
CC-300 the Urban County Community Development Block Grant
 Supplemental Funding Agreement.

This Agreement is a certification to San Joaquin County that the City of Lodi uses Community Development Block Grant (CDBG) funds in accordance with the CDBG regulations found in 24 CFR 570. The Department of Housing and Urban Development (HUD) now requires such a certification between recipients (urban counties) and subrecipients (participating cities) even though receipt of CDBG funds has always been conditioned upon compliance with these regulations.

COMMENTS BY CITY
COUNCIL MEMBERS

The following comments were received under the "Comments by City Council Members" segment of the agenda:

ADDITIONAL LANE LINE
PAINTING REQUESTED

CC-45(a) Council Member Reid expressed his opinion that the City
CC-48(a) should change striping on Turner Road at Highway 99 from a
 wide two-lane to a four-lane road.

NATIONAL LEAGUE CONFERENCE
TOPIC - RANDOM DRUG SAMPLING

CC-105 Mayor Pro Tempore Hinchman informed the City Council that
 the National League Conference he recently attended in
 Atlanta, GA was the best ever. Drug abuse was one of the
 topics at the conference. The Mayor Pro Tempore directed
 Assistant City Manager, Jerry Glenn, to research the
 possibility of random drug sampling in Lodi.

PRIORITIZED HOUSING
IMPROVEMENT ON THE
EAST SIDE

CC-25 Mayor Pro Tempore Hinchman would like to see improved
 housing on the east side of Lodi and suggested prioritizing
 blocks on the east side in an effort to improve this
 district.

ADDITIONAL LANE LINE
PAINTING REQUESTED

CC-45(a) Council Member Pinkerton added a request to Council Member
CC-48(a) Reid's comment on striping of City streets. He is very
 opposed to wide two-lane roads and would like to see Elm
 Street made into a four-lane road, along with other wide
 two-lane City streets.

SCOUTING FOR FOOD
GOOD TURN WEEK PROGRAM

Mayor Snider congratulated the Boy Scouts and their Scouting for Food Good Turn Week program for collecting 8,200 lbs. this year; 1,200 lbs. more than Stockton.

DRAFT GENERAL PLAN -
SPECIAL CITY COUNCIL
MEETINGS SCHEDULED

CC-35(a) Mayor Snider informed the public that the City of Lodi has received the Draft General Plan from the consultant and that the City will hold Special City Council Meetings on the off Wednesdays to discuss the different elements of the General Plan. The City hopes to complete this process by February.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

The following comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

LODI SYMPHONY CONCERT -
FEBRUARY 24, 1990

Eileen St. Yves, 310 South Orange Street, Lodi, CA extended an invitation to the Council for the February 24, 1990 Lodi Symphony Concert, which will be dedicated to the City. She also mentioned that the previous concert, held December 2, 1989, was a great success.

REQUEST FOR REMOVAL
OF FEMALE GINKO TREE

CC-16 Jean Beckman, 1640 Lake Street, Lodi, CA requested that the
CC-49 Council consider the removal of the female ginko tree in front of the Women's Clubhouse as a future agenda item.

PUBLIC HEARINGS Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Snider called for the Public Hearing regarding unmet transit needs within the City of Lodi.

PUBLIC HEARING REGARDING
UNMET TRANSIT NEEDS WITHIN
THE CITY OF LODI

CC-50(b) The City Council was apprised that State law requires that transportation operators receive input from the public to ascertain unmet transit needs.

Two such hearings were scheduled for the City of Lodi on this date. One was held in the afternoon so that people do not have to attend a Council meeting in the evening, and to accommodate those whose schedule precluded their being at the regularly scheduled meeting.

The hearing was held at 1:30 p.m. at Loel Center. Staff reported to the Council the findings of that hearing.

Robert Van Rooyan, a representative of San Joaquin Council of Governments, was in attendance. Mr. Van Rooyan advised that sometime early in 1990, we will be notified if the City of Lodi has unmet transit needs. If we do, those needs must be satisfied in order to receive Transportation Development Act funds in the 1990-91 fiscal year.

Assistant City Manager Glenn presented the staff report, informing the Council what transpired at the Public Hearing held at 1:30 p.m. There were three main issues discussed: (1) an alternate mass transit system, i.e., bus system, (2) a need for transportation from Lodi to Stockton, and (3) the wonderful service that Dial-A-Ride is providing.

Linda Binning, Freeway Mobil Home Park, 12348 North Highway 99, Lodi, CA 95240 expressed the need for Dial-A-Ride to provide transportation to the various mobile home parks outside of Lodi, in the County area. The majority of people living in mobile home parks are elderly or physically handicapped people. Ms. Binning presented a survey to the Council consisting of letters from some of the occupants at the mobile home park.

Following are the letters included in this survey:

As you know, mobile home parks such as this consist of many retired, semi-retired persons. Since our park does not lie within City limits, the tenants must travel several miles into town for Doctor's appointments, errands, etc. Due to the lack of Dial-A-Ride service in our area, many tenants have been forced to relocate into town in order to have a means of transportation, or to be in an area where the Dial-A-Ride service is available.

Many of the tenants in this park have spent a large majority of their retired years in this park, and to them it is home. Unfortunately, without a dependable means of transportation, many have or will have to find alternate housing where their needs can be met.

We're a mobil home park community of 71 spaces and 8 apartments, with approximately 60% of the tenants being seniors and/or disabled. Providing a service such as Dial-A-Ride, in this area, would not only give the Seniors from the park back their mobility, but also assure them

that they will not have to relocate in order to have their needs accommodated.

Ramona Maghoney

My husband and I are in our late seventies. I do not drive a car and my husband has been in ill health for several years and is now no longer able to drive.

I do not like imposing on my neighbors, but I sometimes ride to Lodi with a lady who goes to town quite often. I run my errands - to the bank, library, post office, Long's Drug, etc., and then I walk to Safeway for groceries where I call the City Cab to bring me home.

When he is available, I have a man who lives in the park drive us in when my husband has an appointment with the doctor.

So, for the above reasons Dial-A-Ride would be very helpful.

Helen L. Pratt

I've lived here 15 years now, and am 72 years old. I don't drive, because I get too nervous. I have to go to the doctors office once a month, to the bank, to pay my rent and to get groceries. I would be very glad to get Dial-A-Ride out here.

Lou K. Brandner

I am a resident of the Freeway Mobile Home Park. At this time our park is not being serviced by the Lodi Dial-A-Ride. It is my hope that you will consider extending the service to our park.

There is a definite unmet transit need in our park. There are several seniors in the park that would benefit from Dial-A-Ride. The County Transit is a very good service, but the time factor involved is more than the frail elderly can tolerate.

I also need this service. I am legally blind and am a heart patient. I have to go to doctors and get blood tests on a regular basis. At the present time I ride my bike to make these trips. With winter approaching, I am concerned as to how I will get there. County transit is an option to me for these trips. But for the elderly, it would be too hard on them.

It is with these factors in mind, I respectfully ask that the Dial-A-Ride service be extended to include our park.

Linda Binning

There was no one else from the public wishing to speak on this matter, and the public portion of this hearing was closed.

After further discussion among Council and staff, it was agreed upon that there was still a need for transportation from Lodi to Stockton. The City Council indicated it would like to see the County look into getting Dial-A-Ride transportation out to some of the mobile home parks.

PUBLIC HEARING REGARDING
NOTICE OF PUBLIC NUISANCE
AND ORDER TO ABATE AND
ORDER TO VACATE - TRAVELERS HOTEL,
112 NORTH SCHOOL STREET, LODI

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, and mailed to the property owner under a declaration of mailing, the Mayor called for the public hearing regarding Notice of Public Nuisance and Order to Abate and Order to Vacate - Travelers Hotel, 112 North School Street, Lodi.

The City Council was advised that on December 2, 1987, an inspection of the premises was conducted by the Community Development Department/Building Division and the Fire Department. As a result of this inspection, a NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE was issued by the Community Development Department/Building Division on December 16, 1987. On December 31, 1987, a letter was sent to the building owner by the Fire Department listing items that required corrective action.

On April 14, 1988, a second letter was sent by the Fire Department indicating those items that were not corrected, and in addition required that an approved second exit be installed.

On October 6, 1988, Mr. Surenda Patel, the owner of the subject property, contacted the Fire Department and indicated that he would install the fire escape and that plans would be available by October 7, 1988.

On April 26, 1989, an inspection was conducted by the Fire Department, and a NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE was issued.

Telephone conversations and correspondence continued until September 7, 1989, at which time a NOTICE TO VACATE in addition to a NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE were issued and posted on the premises on September 8, 1989.

On September 12, 1989, a letter was delivered by Mr. Patel requesting that he be granted a period of 90 days to comply due to financial hardship. Consultation with the City Attorney resulted in a decision to consider this request as a form of appeal. This would allow Mr. Patel approximately 90 days and still provide for the continuance of abatement proceedings.

On November 8, 1989, the preliminary plans submitted for the fire escape were rejected by the building department.

On November 23, 1989, a reinspection was made by Fire Marshal Raddigan and he found that all items except the addition of a fire escape had been completed. There is also a need to determine if the materials used in the corridor are one hour fire resistive material as required.

Fire Marshal Raddigan informed the Council that Mr. Patel had made excellent headway in his progress to complete the fire escape, and he felt the 45-day extension would be ample time to finish the construction.

Mr. Surenda Patel, Travelers Hotel, 112 North School Street, Lodi, CA explained to the Council that he has limited funds due to the low-income and elderly residents in this hotel. He apologized for the delay in taking care of the fire escape and assured the Council that he resubmitted plans to the building department and heard from an informant that the plans were approved the day before yesterday. He is confident that the work will be completed in 45 days.

There being no one else wishing to speak from the public, the public portion of the hearing was then closed.

The Council, on motion of Council Member Reid, Hinchman second, voted to grant Mr. Surenda Patel a 45-day delay.

PLANNING COMMISSION REPORT The City Council received the following report of the Planning Commission meeting of November 13, 1989:

1. Extended the Use Permit of Michael H. and Pamela J. Haas to conduct a licensed day care center for 12 children at 169 Hemlock Drive in an area zoned P-D(10), Planned Development District No. 10, five years until September 30, 1994.
2. Extended the Use Permit of Weil Motors for a temporary office trailer at 2 West Lockeford Street in an area zoned C-2, General Commercial, until August 13, 1990 in order to provide adequate time to make the office permanent.
3. Received and reviewed a report from the City Attorney concerning the legal requirements for adopting a Sphere of Influence.

Continued December 6, 1989

4. Continued discussion of the Growth Management Element of the General Plan and asked Chairman Marzolf to correspond with the City Council concerning joint work sessions on the Element and the General Plan Update.

COMMUNICATIONS
(CITY CLERK)

ABC LICENSE
APPLICATIONS

CC-7(f)

The following applications for Alcoholic Beverage Licenses were presented for City Council review:

Curtis-Leubner-Cary-Rodrigues, Inc., Lena's Pizza and Beer, 858 West Kettleman Lane, Lodi, On Sale Beer and Wine Eating Place, Original License; and

Saleemi, Chudhary M., The Milk Stop, 321 South Hutchins Street, Lodi, Off Sale Beer and Wine, Person to Person Transfer.

Council was in receipt of the following copy of a letter to the Alcoholic Beverage Control from the Lodi Police Department which referred to violations in regards to the license of Lena's Pizza:

Reference the request of Lena's Pizza and Beer for an on sale beer and wine license, be advised at this time that Lodi Police Department is contesting the issuance of such license for the following reasons.

In 1988 the Lodi Police Department conducted a three-month school narcotics buy program at Tokay High School. During the buy program period, our undercover agent was able to negotiate and purchase narcotics and controlled substances inside the establishment, Lena's Pizza. These narcotics were purchase from students of Tokay High School who were frequenting Lena's Pizza daily.

Due to the fact that Lena's Pizza is in proximity to the high school, it is our feeling this is a natural tendency to draw students to a place where they can congregate and where they can be involved in illicit activities.

Therefore, we request that no license be issued to Lena's Pizza and Beer, or that the license be issued on a limited basis. You will find enclosed copies of 11 reports in which narcotics sales were transacted inside Lena's Pizza during the school narcotics buy program.

Council felt that it was not appropriate to grant the issuance of this license; however, they also felt that it was unfair for the business without hearing their side of

the situation. With this in mind, Council, on motion of Council Member Reid, Hinchman second, opposed granting this license, and decided on sending a letter to the Alocoholic Beverage Control on behalf of the Mayor requesting further investigation into this matter.

APPOINTMENT AND
REAPPOINTMENTS TO
VARIOUS CITY OF LODI
BOARDS AND COMMISSIONS

CC-2(a) The Council, on motion of Council Member Reid, Hinchman
CC-2(i) second, concurred with the following appointment and
CC-2(k) reappointments to various City Boards and Commissions. The
CC-2(l) required posting for these terms had been completed by the
City Clerk in the time frame set forth by State law.

APPOINTMENT

Lodi Arts Commission

Tim Mattheis three-year term expiring 5/5/92

REAPPOINTMENTS

Lodi Senior Citizens Commission

Dorance Ochs four-year term expiring 12/31/93

Mosquito Abatement District

Robert S. Fuller two-year term expiring 12/31/91

Site Plan and Architectural Review Committee

Leonard Bull four-year term expiring 1/1/94

REGULAR CALENDAR

ITEM REMOVED FROM AGENDA Agenda Item K-1 - "Revocation of license for City Cab Company to operate vehicles for hire within the City of Lodi" was removed from the agenda.

INCREASED SELF-RETENTION
ON PUBLIC LIABILITY FUND
APPROVED

RES. NO. 89-177

CC-21.1(e) The City Council on motion of Mayor Pro Tempore Hinchman,
CC-300 Olson second, adopted Resolution No. 89-177 authorizing the

City of Lodi to assume a \$500,000 self insured retention (deductible or SIR) in the California Joint Powers Insurance Authority (CJPIA).

The City presently has a \$250,000 self insured retention in the CJPIA. Recently, bylaws were changed to provide that losses would be distributed according to payroll rather than according to loss history.

City of Lodi has available to it SIR's of \$250,000, \$500,000, and \$1,000,000. Many members have dropped from the \$250,000 SIR pool. The City of San Rafael is planning to leave that pool. If that is the case, the City of Lodi's share of any loss from \$250,000 to \$500,000 would be 19.3%. If there were a claim of \$400,000 against any member, the City of Lodi would be responsible for \$28,950 of the claim. This amount would come from our premium deposits.

Because this \$250,000 is growing smaller, there is discussion to raise the limit to \$350,000. Under this plan, the City of Lodi would be responsible for 19.3% of all claims over \$350,000. To be in that pool would cost us \$.30 per \$100 of payroll, or approximately \$36,000 to purchase a maximum of \$121,050 of protection if there was one claim against the City of Lodi of \$500,000.

Council was also made aware of the downside. If the City had a number of paid claims exceeding \$250,000, the City would be better off being at the \$350,000 level rather than the \$500,000. By the same token, the City of Lodi has never had a paid claim in excess of \$250,000, let alone \$350,000 or \$500,000. The CJPIA has only had two paid claims in excess of \$250,000.

Staff indicated that it seems prudent risk management to increase our SIR to \$500,000, but continue to budget for \$250,000 and place the remainder in our Liability Reserve account.

CONSTRUCTION OF PICNIC FACILITIES AT LODI LAKE

SPECIAL ALLOCATION REQUEST APPROVED FOR 1988 CALIFORNIA BOND GRANT TO PERMIT THE CONSTRUCTION OF PICNIC FACILITIES AT LODI LAKE

CC-27(c)
CC-175

The City Council, on motion of Council Member Reid, Olson second, approved a Special Allocation request to permit the construction of picnic facilities at Lodi Lake as part of the 1988 State of California Per Capita Grant Program and

authorized the Finance Director and City Manager to execute the request for \$140,000 to be charged to the Capital Outlay Reserve Fund, and \$20,000 to be charged to the Park and Recreation Department's Lodi Lake Capital Projects Fund to cover the City's contribution.

At its regular meeting of January 4, 1989, the City Council adopted Resolution No. 89-01 authorizing the City's application for funding of improvements to picnic facilities at Lodi Lake Park under the State's Per Capita Grant Program (Bond Act of 1988). Under this program, the City of Lodi was awarded \$140,000 toward the funding of a \$160,000 project to construct and expand the picnic facilities at the Youth Picnic Area, North Bend, and Hughes Beach. The balance of the funding, \$20,000 is to be provided by the Park and Recreation Department's Lodi Lake Capital Projects Fund. Lodi Lake Park fees account for this fund balance.

Originally, as the grant application illustrates, the City was to receive \$145,000. However, due to procedural changes, the amount of the request was reduced. Accordingly, City staff reduced the City's contribution from \$21,940 to \$20,000, thereby keeping the cost of the facilities to \$160,000 or less.

As phases of the project are completed, the City will be reimbursed by the State for the \$140,000, while the \$20,000 serves as the City's contribution.

CONTRACT AGREEMENT FOR
DESIGN AND PREPARATION OF
CONSTRUCTION DRAWINGS FOR
LODI LAKE PARK PICNIC FACILITIES

CC-27(c)
CC-175

The City Council reviewed the contract agreement between the City of Lodi and Richard Bigler Associates for providing construction plans and specifications for Lodi Lake Picnic Facilities. Following discussion, on motion of Council Member Reid, Hinchman second, the City Council authorized the City Manager and City Clerk to execute the subject contract agreement.

Under the 1988 State of California Per Capita Grant Program the City of Lodi was awarded \$140,000 as a part of a total project cost of \$160,000 to construct picnic facilities at the Youth Picnic Area, North Bend and Hughes Beach, at Lodi Lake Park.

The contract amount for services to be provided by Richard Bigler Associates is \$14,750. The sum of \$20,000 has been budgeted for the preparation of plans, specifications and engineering.

Continued December 6, 1989

SET PUBLIC HEARING
REGARDING APPEAL
RECEIVED CONCERNING
NOTICE OF PUBLIC
NUISANCE AND ORDER TO
ABATE ISSUED FOR 321
EAST PINE STREET

CC-24(c)

The City Council, on motion of Mayor Pro Tempore Hinchman, Reid second, set a Public Hearing to consider the appeal of Jesse Valenzuela of an Order to Abate an unsafe structure at 321 East Pine Street for the regular City Council meeting on January 3, 1990. The Order was issued on November 6, 1989 by the Chief Building Inspector.

Mr. Valenzuela has asked for sixty days notice because he lives in Texas. The Community Development Director is concerned about such a long extension. Below is the letter from Mr. Jesse Valenzuela:

With the interest on the property 321 East Pine Street, as owner I would like to appeal your decision. Regarding section 501 of uniform code for the abatement of dangerous buildings, I would like to request a hearing or meeting with the City Council, and I would like 60 days notice for the meeting. As for the dangerous building:

1. It carries insurance.
2. It is locked and vacant, only the front house is rented.
3. All utilities, water, electricity, gas, etc., are disconnected.
4. I have the permit that was issued to move the structure, also the foundation was inspected.
5. The structure was at one time a one bedroom house and had an address as 325 1/2 East Pine Street. My intention was to use it as a residence. I am having difficulty getting service to that house. When the permit was issued they were aware it was a one bedroom house and I have made a tremendous expense on the one bedroom house.

P.S. I need the sixty day's notice because I live in Texas. With request you can examine the utilities. Phone (715) 755-6540.

GATE FEE INCREASE -
HARNEY LANE LANDFILL
(14750 EAST HARNEY LANE)

URGENCY ORDINANCE NO. 1472
ADOPTED

CC-7(b)
CC-56
CC-22(b)
CC-149

Staff advised the City Council that the San Joaquin County Board of Supervisors held a public hearing on November 28, 1989 to consider increasing the gate fee at various disposal sites. County staff's recommendation was that the fee be increased by \$1.51 per ton.

That increase is made up of two components: An \$0.88 per ton increase for the operation of Harney Lane Landfill, and a \$0.50 per ton increase to comply with the provisions of Assembly Bill 939. AB 939 created the California Integrated Waste Management Act of 1989. Among other things, this Act requires landfill operators to pay a fee to the State of California of \$0.50 per ton on waste received at landfills on or after January 1, 1990. The fee will be increased to \$0.75 per ton on July 1, 1990, and then may be increased to \$1.00 after July 1, 1991. The purpose of the fee is to provide funding to State agencies to carry out their responsibilities under the Act.

We have invited members of the County staff to attend a shirtsleeve session to provide Council with additional information regarding AB 939. This meeting has been scheduled for January 16, 1990.

San Joaquin County, as operator of Harney Lane Landfill, is required to pay the costs mandated by AB 939, and naturally, are passing these costs on to the users of the landfill. County staff's recommendation is that the fee be set at \$0.50 per ton and then not raise fees again until January 1991. The City Manager has appeared before the County Board of Supervisors, asking that the fee of \$0.50 be put into effect on January 1, 1990 and then raised again on July 1, 1990. The Board did not seem to be taken with this idea, and appears to be leaning toward the \$0.50 surcharge. However, they have postponed action on this until Tuesday, December 5, 1989.

Assuming that the fee of \$1.51 per ton, or any fee, is implemented, we have an obligation to Sanitary City Disposal Co. to pay them the additional costs. Last year, the State imposed a \$1.00 per ton fee on waste taken to the landfill. At that time, it was agreed a 1.7% surcharge would be added to all refuse bills. This is the equivalent of \$0.12 on a single can. That figure has proven to be more than enough to pay the \$1.00 per ton fee.

In order to recapture the additional cost, the Council has a number of options:

- Option 1) Impose no additional fee and absorb the additional cost from the General Fund.
- Option 2) Do not increase the fee until July 1990, and then add a 2.12% surcharge to all refuse bills.
- Option 3) Place an additional surcharge of 2.55% on all customers, making the total surcharge 4.25%.

Staff cannot in good conscience recommend any of these options for the following reasons:

- Option 1) This violates the concept of user pays and would require a subsidy from the General Fund
- Option 2) This would deplete entirely, any surpluses in the Refuse Surcharge Fund. Any change in the type materials in the waste stream could adversely affect the cash flow. Also, we do not have a long enough track record to recommend cutting the income this fine.
- Option 3) We know that the 1.7% generates too much money, and this recommendation would increase the surplus in that Fund more than it presently is accruing.

It would seem the most prudent action would be to leave the 1.7% in place, and add an additional 1.1% on all accounts. The latter figures more closely approximate what the actual cost will be. The total cost would then be 2.8% on all accounts, which is equivalent to \$0.21 per can on a residential bill.

Under the Act, the City of Lodi has a number of responsibilities which are not reimbursable by the State. The Act states that those additional costs are reimbursable through user fees. By implementing staff's recommendation, some dollars will continue to accumulate to cover at least a portion of the unknown additional costs. Following discussion, on motion of Council Member Reid, Hinchman second, the Lodi City Council by unanimous vote adopted Urgency Ordinance No. 1472 set forth below:

ORDINANCE NO. 1472

AN UNCODIFIED URGENCY ORDINANCE OF THE LODI CITY COUNCIL
ESTABLISHING A SURCHARGE ON REFUSE RATES
TO FUND A STATE-MANDATED PROGRAM AND COUNTY RATE INCREASE

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1.

WHEREAS, effective January 1, 1989, under Lodi Ordinance No. 1443, a surcharge of 1.7% was imposed on all residential and commercial refuse collection rates in the City of Lodi to pay the costs of a State-mandated program under Government Code §66796.22; and

WHEREAS, under the provisions of the Waste Management Act of 1989 (AB 939), further State-mandated fees have been imposed upon operators of landfills; and

WHEREAS, the County of San Joaquin has proposed adoption of an increase in gate fees of \$0.88 per ton for operating costs and \$0.50 per ton to comply with the provisions of AB 939, on County-operated landfills, to be effective January 1, 1990; and

WHEREAS, under the agreement between the City of Lodi and Sanitary City Disposal Company, Inc. for refuse collection, such increases in direct costs to Sanitary City Disposal Company, Inc. are subject to adjustment of rates by the City of Lodi to compensate the Franchisee;

NOW, THEREFORE, BE IT ORDAINED BY THE LODI CITY COUNCIL pursuant to Health and Safety Code §5471 as follows:

In addition to the 1.7% surcharge on refuse collection rates established by Ordinance No. 1443, a further surcharge of 1.1% is hereby imposed (for a total of 2.8%) on all residential and commercial refuse collection accounts in the City to fund the State-mandated programs and gate fee increase by the County of San Joaquin. These funds shall be placed and retained by the City in a separate revenue account, and paid to Franchisee on a basis of \$2.38 per ton of residential and commercial refuse collected, as established by Franchisee's records.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This is an urgency ordinance based on health, safety and welfare considerations, implementing a State-mandated program, and shall be effective on all billings by the City of Lodi, on or after January 1, 1990.

SECTION 4. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately.

Approved this 6th day of December

JOHN R. SNIDER
MAYOR

Attest:

JENNIFER M. PERRIN
Deputy City Clerk

for ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1472 was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held December 6, 1989, and was thereafter passed, adopted and ordered to print by the following vote:

Ayes: Council Members - Hinchman, Olson, Pinerton, Reid
and Snider (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1472 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN
Deputy City Clerk

for ALICE M. REIMCHE
City Clerk

Approved as to Form

BOB McNatt
City Attorney

Continued December 6, 1989

ORDINANCES

ORDINANCE NO. 1463 -
AN ORDINANCE OF THE LODI
CITY COUNCIL ADOPTING A
NEW FEE SCHEDULE FOR SEWER
SERVICE AND CONNECTION FEES

CC-56 Ordinance No. 1463 entitled, "An Ordinance of the Lodi City
CC-51(a) Council Adopting a New Fee Schedule for Sewer Service and
CC-44 Connection Fees" having been introduced at a regular
CC-149 meeting of the Lodi City Council held November 15, 1989 was
brought up for passage on motion of Mayor Pro Tempore
Hinchman, Reid second. Second reading of the ordinance was
omitted after reading by title, and the ordinance was then
adopted and ordered to print by the following vote:

Ayes: Council Members - Hinchman, Olson, Pinkerton,
Reid and Snider (Mayor)

Noes: Council Members - None

Absent: Council Members - None

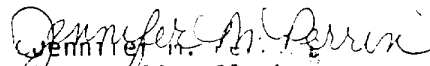
Abstain: Council Members - None

CLOSED SESSION -
LABOR RELATIONS

CC-200(a) The City Council adjourned to Closed Session regarding
labor relations. The City Council reconvened at
approximately 10:40 p.m.

ADJOURNMENT There being no further business to come before the
City Council, Mayor Snider adjourned the meeting at
approximately 10:45 p.m.

ATTEST:


Jennifer M. Perrin
Deputy City Clerk

for Alice M. Reimche
City Clerk